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OFFICE OF PETITIONS

In re Application of :
Isaza et al. :
Application No. 09/811,104 : DECISION ACCORDING STATUS
Filed: 16 March, 2001 : UNDER 37 CFR 1.47(a)
Attorney Docket No. PURIT 54796 :

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 26 June, 2002.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Stanley Y. Wong, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the statement of petitioners' registered patent attorney, David G. Parkhurst, establishes that the non-signing inventor was sent, via Federal Express, a copy of the present reissue application but refused to sign the declaration naming him as a joint inventor with Fernando J. Isaza and Peter Doyle.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

It is noted that the declaration filed with the present petition on 26 June, 2002, is defective in that it does not state that the

person(s) making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person(s) to be material to patentability as defined in 37 CFR 1.56. Rather, the declaration incorrectly acknowledges a duty to disclose all information material to examination of the application. A new oath or declaration in compliance with 37 CFR 1.63, 1.67, and 1.175 must be submitted when required by the examiner.

The application is being forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy